IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Crl.MC.No. 7 of 2007()

CMP.3575/2006 of CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE
CRIME NO.251/06 OF KASABA POLICE STATION, KOZHIKODE

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PETITIONER: DE-FACTO COMPLAINANT

T.CHANDRAN, AGED 58,
S/O.KOTTAN, PROPRIETOR OF M/S.ROYAL
MANAGEMENT SERVICE, RAJEEV GANDHI NAGAR ROAD,
KANNUR.

BY ADV. SRI.T.KURIAKOSE PETER
SRI.ABRAHAM P.GEORGE

RESPONDENTS: COMPLAINANT

S.I. OF POLICE,
KASABA POLICE STATION, KOZHIKODE.

BY PUBLIC PROSECUTOR SRI.K.A. AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 7 of 2007

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Dated this the 10th day of January, 2007

O R D E R

The grievance of the petitioner is that a certificate issued by the Government of India, Ministry of Labour, in favour of Royal Management Service, of which he is the Proprietor, seized by the police in the course of investigation of a crime and which is produced before the learned Magistrate is not returned to the petitioner by the learned Magistrate though an application to that effect was filed. By the impugned order, the said application was rejected. The petitioner requires that certificate to facilitate renewal of the certificate. In these circumstances it is prayed that the impugned order may be set aside and the prayer of the petitioner allowed.

2. Notice was given to the learned Prosecutor. The learned Prosecutor submits that the document is an essential and vital document in the case. In these circumstances the rejection of the prayer for return of the certificate is justified, submits the Prosecutor.

3. I find merit in the prayer of the petitioner. There is nothing to controvert the assertion that the petitioner needs the document in

question to facilitate renewal of the document. The fact that the validity of the certificate had expired in 2003 is no reason to assume that it need not be renewed atleast belatedly. I am satisfied that the interests of justice can be best secured by issuing a direction that the original shall be returned to the petitioner after substituting the same with a certified photocopy taken from the court and on the further undertaking by the petitioner by execution of a bond for Rs.25,000/- with two solvent sureties that the certificate shall be produced back after renewal as and when directed by the learned Magistrate.

4. The Crl.M.C. is accordingly allowed as indicated above.

5. Hand over copy of the order to the learned counsel for the petitioner.

(R. BASANT)
Judge

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